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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,671	12/29/1999	CASSANDRA J. MOLLETT	34250-0878	2544

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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3687

MAIL DATE	DELIVERY MODE
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12/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/474,671	Applicant(s) MOLLETT ET AL.	
	Examiner Andrew Joseph Rudy	Art Unit 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 18, 2009 has been entered. Claims 1-6, 8 and 9 are pending. The previous June 18, 2009 Office Action containing the 35 USC 101 and 35 USC 112 rejections of claims 1-6, 8 and 9 are withdrawn pursuant to Applicant's Amendment contained in the RCE.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 15-16, "one or more checks in respective writing transactions for different purchase transactions" is not clear. The claim requires only one check. The phrase claims "different purchase transactions" and this appears inconsistent with the

one check requirement. It could be but one check used to purchase multiple items, e.g. a coat and a hat in one purchase check-out at a cash register or on-line, that may be viewed as different purchase transactions.

Claims 8, 9, the phrase “different purchase transactions” are not clear. Each is not particularly/specifically associated with the multiple checks recited earlier from claims 8 and 9. Thus it is not clear as to what is being positively recited from each claim.

Claim Rejections - 35 USC § 103

4. Claims 1-6, 8 and 9, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker, US 6,064,987, in view of Templeton, US 5,679,940.

Walker discloses a system for approving a money limit for a time period comprising: storing historical data in a central controller 12 and authorizing the charge, e.g. 362, of an entity if a credit score, e.g. cols. 10-11, is acceptable so that funds may be collected over a time period, e.g. installment plan database 50, Fig. 13, depending upon the classification of the entity from a plurality of stores, e.g. 14, 16, 18. The credit scoring of Walker is deemed to be within a range of scores and is deemed to comprise the word scrubbed. Walker does not specifically disclose a check cashing and a check writer using his system, though he does disclose credit situations that are parallel to check writing.

Templeton discloses, e.g. Fig. 1, a method using a computer for determining whether to collect from check writers from data comprising a negative file 85, a positive

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file 87 containing identification information and a credit risk scoring algorithm, e.g. cols. 12-14.

Templeton does not specifically indicate a time period, but does indicate that the negative file 85 is “continuously updated” (col. 12, line 59) and that the positive file 87 is used (col. 13, lines 18-34) to determine suitability of cashing a check. Templeton inherently contains categories to ascertain whether a check will be honored or not. It is common knowledge and well known in the art that various specified time periods are used by financial institutions, e.g. a bank or a traditional “mom and pop” grocery store, when assessing whether or not to cash a check, e.g. an entity may hold ones check over a time period before deciding to cash the check.

To have provided the various specified time periods for Walker to have comprised a checking system similar to Templeton, would have been obvious to one of ordinary skill in the art. Doing such would use well known time period factors to provide a more complete and updated database for risk assessment when cashing a check. To have provided the negative file of Walker, as modified by Templeton, to comprise a scrubbed file would have been obvious to one of ordinary skill in the art.

Applicant’s September 18, 2009 REMARKS regarding the rejection of claims 1-6, 8 and 9 under 35 U.S.C. 103 are noted, but not agreed with. No plurality of checks is required from the claim 1 language. As recited, only one check need be cashed. Again, it is noted that intended use, e.g. “for” or “for a time period” recited in claim 1 do not provide positive claim recitations that further limit Applicant’s method claims.

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Applicant's September 18, 2009 assertion that Walker does not show check writing is noted. However, credit card purchases and installment plans may be viewed in broad scope and content as a check writing system. Also, Walker is deemed able to be used multiple times. Again, the time period in Walker is indirectly referenced when the when the account is in good standing and not past due. To be past due there must be a time period, e.g. a monthly account statement, that the purchaser of the credit must, generally, pay off in total or an appropriate portion thereof, a suitable balance in order to have access to the financial account. It has been common knowledge that time periods are used in both the credit and check cashing industry to facilitate accounting and transaction objectives, e.g. to verify whether a user has a proper credit history and financial resources to cover the requested fund transfer. The electronic credit card purchases disclosed by Walker encompass in broad scope and content the check cashing language recited by Applicant. Apparently, Applicant implies or would have one believe a traditional "paper" check is required from the claim language. Again, no such limitations exists within the claim language. As recited, an electronic check credit card fully meets Applicant's claim language.

Similarly, Applicant's assertion that Templeton does not show a checking function on any time period is opposite to Templeton's disclosure. Though Templeton does not explicitly disclose a time period, it would be inherent aspect of Templeton's disclosure. The real-time updating of file information, e.g. 85, 87, of Templeton, fully meets the broad scope and content of Applicant's "time period" referenced. As is, the time period may be as short as a nano-second or as long as a year (or longer) to fully

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meet Applicant's claim language. In sum, the real-time period parameters disclosed by Templeton fully meet Applicant's claim language.

Regarding subscores from claim 3, the positive file 87 and negative file 85 are deemed in broad scope and content to fully encompass this term. Further, the historical approval criteria data of Walker may be viewed to comprise a subscore. As is, the claim 3 terminology does not define over Walker, as modified by Templeton.

Regarding claim 8, as understood, the historical approval criteria data of Walker may be viewed as meeting the claim terminology for approving a check cashing request for each time period being considered. Thus, claim 8, as understood, does not define over Walker, as modified by Templeton.

Regarding claim 9, the historical approval criteria data of Walker may be viewed as meeting the claim terminology for approving a check cashing request for each time period being considered. Further, allowing a check writer to reach his/her credit limit over a specified time period after having a previous financial transaction has been approved have been common knowledge in check cashing systems. Both the Walker and Templeton systems allow for this function to be performed. Thus, claim 9, as understood, does not define over Walker, as modified by Templeton.

Applicant's September 18, 2009 REMARKS have been reviewed, but are not convincing, given the above noted ambiguities. Walker, as modified by Templeton, could be but one check used to purchase multiple items, e.g. a coat and a hat in one purchase check-out at a cash register or on-line, that may be viewed as different purchase transactions. It would appear that processing multiple checks to purchase

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other multiple items is within the realm envisioned by Walker, as modified by Templeton.

5. A further pertinent reference of interest discloses a real-time credit application.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Joseph Rudy/
Primary Examiner, Art Unit 3687